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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/624,430	07/21/2003	Takehiro Miyamoto	89277.0005	6421
26021	7590	12/15/2004	EXAMINER	
HOGAN & HARTSON L.L.P. 500 S. GRAND AVENUE SUITE 1900 LOS ANGELES, CA 90071-2611			CARIASO, ALAN B	
			ART UNIT	PAPER NUMBER
			2875	

DATE MAILED: 12/15/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/624,430

Applicant(s)

MIYAMOTO, TAKEHIRO

Examiner

Alan Cariaso

Art Unit

2875

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,2,4,5,14,15,17,19 and 20 is/are rejected.
- 7) ☒ Claim(s) 3,6-13,16,18 and 21-23 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 20030721.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.

## **DETAILED ACTION**

### ***Priority***

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

### ***Claim Objections***

2. Claims 8 and 14 are objected to because of the following informalities:
3. Claim 8, lines 1-2, the phrase "the flasher stay can covers ..." is incorrect in grammar.
4. Claim 14, lines 5 & 6, the terms "a central plane area" and "the central plane section" are inconsistent with terms used to describe the same part.
5. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 102***

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

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7. Claims 1, 2, 4, 5, 14, 15, 17 and 19 are rejected under 35 U.S.C. 102(b) as being anticipated by prior art to ZAGRODNIK et al (US 6,053,626).

8. ZAGRODNIK discloses a stay bracket (22-fig.1) attached to the rear fender (18); a flasher stay (34,38) that is mounted on the rear fender (18) through the stay bracket (22), the flasher stay (38) include a mounting plane surface section (42) in a generally central area (34) thereof along a length direction thereof, and right and left end sections (30) on both sides of the mounting plane surface section (42), wherein the mounting plane surface section (42) extends generally horizontally (fig.1); flashers (26) mounted at the right and left end sections (30) of the flasher stay (38); wherein the mounting plane surface section (42) defines a plate-like section (figs.2-4) that is substantially flat in a direction perpendicular to the length direction of the flasher stay (38); wherein each of the right and left end sections (30) of the flasher stay (38) is generally round (figs.4-5); wherein the flasher stay (38) is made of a generally round pipe (figs.3-5), and a central area (34) of the round pipe is pressed to define the mounting plane surface section (42) and both ends (30) of the round pipe are left uncompressed to define the right and left end sections of the flasher stay (38); a generally horizontal surface section (at least formed on the bottom surface of light support 22) on the rear fender (18); the flasher stay (38) mounted on the generally horizontal surface section (22); wherein the generally horizontal surface section (22) is formed on a stay bracket (22) attached to the rear fender (18).

***Claim Rejections - 35 USC § 103***

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over ZAGRODNIK et al (US 6,053,626) in view of NACE (US 6,120,167).

11. ZAGRODNIK discloses the claimed invention including a lamp (of taillight 22) that is mounted on the mounting plane section (42) of the flasher stay (38). However, ZAGRODNIK does not disclose the lamp as a license lamp. NACE teaches a lamp of the taillight device used as a license plate lamp (figs.2 & 4) for the purpose of having plural functions of illuminating an adjacent license plate and signaling of vehicle braking using one lamp. It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the rear lighting device of ZAGRODNIK et al to include the type of plural function taillight and license-plate light device as taught by NACE in order to be efficient in using power and materials to illuminate the license plate and signal vehicle braking with one lamp.

***Allowable Subject Matter***

12. Claims 3, 6-13, 16, 18 and 21-23 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

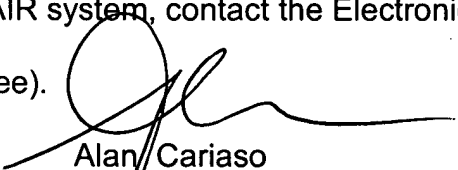
**Conclusion**

13. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. WHITE et al (US 5,713,653) show a motorcycle taillight device including bracket supports securing it to rear fender. SAITO (JP 59073334) shows a rear fender lighting device (2) mounted on of a horizontal section (5a) of a fender (5).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alan Cariaso whose telephone number is (571) 272-2366. The examiner can normally be reached on 9-5:30 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sandra O'Shea can be reached on (571) 272-2378. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Alan Cariaso  
Primary Examiner  
Art Unit 2875

AC  
December 12, 2004